

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

MICHAEL A. DELANEY  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

**SECTION 5 VOTING SUBMISSION**

TO: Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

DATE: July 20, 2010

RE: Submissions Under Section 5 of the Voting Rights Act for:  
**Laws of 2010, Chapter 182**

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits **Laws of 2010, Chapter 182**, relative to absentee voting, including components of New Hampshire's implementation of the federal MOVE Act, for preclearance by the U.S. Department of Justice.

Submission: In accordance with 28 CFR §51.27 and 51.28, the submission is as follows:

**(a) A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting (new law).**

Laws of 2010, Chapter 182, amending:

1. (Sec 1) RSA 654:45;
2. (Sec 2) RSA 657:12;
3. (Sec 3) RSA 657:13;
4. (Sec 4) RSA 657:15;
5. (Sec 5) RSA 657:18;
6. (Sec 6) RSA 657:19;
7. (Sec 7) RSA 657:19-a;

8. (Sec 8) RSA 657:22;
9. (Sec 9) RSA 657:23;
10. (Sec 10) enacting new RSA 657:26;
11. (Sec 11) RSA 658:33;
12. (Sec 12) RSA 659:51;
13. (Sec 13) RSA 659:52;
14. (Sec 14) RSA 659:53;
15. (Sec 15) RSA 654:45;

See Attached Exhibit 2010:182, #1

**(b) A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended or otherwise changed (prior law).**

Laws of 2010, Chapter 182, amending:

1. (Sec 1) RSA 654:45; as amended in 2006. See Attached Exhibit 2010:182, #2.
2. (Sec 2) RSA 657:12 as amended in 2003. See Attached Exhibit 2010:182, #3.
3. (Sec 3) RSA 657:13 as amended in 2003. See Attached Exhibit 2010:182, #4.
4. (Sec 4) RSA 657:15 as amended in 2003. See Attached Exhibit 2010:182, #5.
5. (Sec 5) RSA 657:18 as amended in 1979. See Attached Exhibit 2010:182, #6.
6. (Sec 6) RSA 657:19 as amended in 2003. See Attached Exhibit 2010:182, #7.
7. (Sec 7) RSA 657:19-a as amended in 2003. See Attached Exhibit 2010:182, #8.
8. (Sec 8) RSA 657:22 as amended in 1995. See Attached Exhibit 2010:182, #9.
9. (Sec 9) RSA 657:23 as amended in 1979. See Attached Exhibit 2010:182, #10.
10. (Sec 10) enacting new RSA 657:26; This is a new provision of law and a new practice, there is no prior statute.
11. (Sec 11) RSA 658:33 as amended in 1981. See Attached Exhibit 2010:182, #11.
12. (Sec 12) RSA 659:51 as amended in 1979. See Attached Exhibit 2010:182, #12.
13. (Sec 13) RSA 659:52 as amended in 1979. See Attached Exhibit 2010:182, #13.
14. (Sec 14) RSA 659:53 as amended in 1979. See Attached Exhibit 2010:182, #14.
15. (Sec 15) RSA 654:45as amended in 206. See Attached Exhibit 2010:182, #15.

**(c) A clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials**

**adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.**

1. (Sec 1) Amends RSA 654:45, to clarify that it is the voter's current information that is stored in the statewide voter registration database and adding to the data to be kept in the database information on absentee ballot applications accepted by town and city clerks and the history of which elections a person votes in. These changes facilitate New Hampshire's implementation of the MOVE Act by ensuring that the Secretary of State can access information on all UOCAVA voters who have requested absentee ballots in the days leading up to 45 days prior to the State's General Election. The Secretary of State will mail or transmit by e-mail ballots to such voters on or before day 45 prior to the general election. Those transmittals will be documented in the statewide voter registration database, which will allow the clerks to verify that these ballots have been sent. The clerks will mail or transmit ballots for all UOCAVA voters between day 44 and the election.
2. (Sec 2) Amends RSA 657:12 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
3. (Sec 3) Amends RSA 657:13 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
4. (Sec 4) Amends RSA 657:15 to require that the record of when absentee ballots are sent to and received from voters be entered into the statewide voter registration database. It further amends RSA 657:15 to provide that absentee voters who are victims of domestic violence who are entitled to have their identity and address kept confidential shall not be listed on the version of the list of voters to whom absentee ballots have been sent which is provided to candidates.

5. (Sec 5) Amends RSA 657:18 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request and the date on which it is received back from the voter. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
6. (Sec 6) Amend RSA 657:19 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request and the date on which it is received back from the voter. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act. The change also requires the clerk to forward a copy of any application to register as a voter received with a returned absentee ballot affidavit envelope to the supervisors of the checklist to facilitate that voter being registered and entered onto the checklist.
7. (Sec 7) Amends RSA 657:19-a to require the clerk to forward a copy of any armed services or federal overseas voter registration forms received by the clerk to the supervisors of the checklist. This does not change past practice, clerks have had a duty to forward registrations received under a general statute. This change reinforces the duty by adding this explicit requirement into the statute that requires recognition of the Federal Post Card Application for both voter registration and absentee ballot request purposes.
8. (Sec 8) Amends RSA 657:22 to add a reference to RSA 657:21-a, V which creates an exception to the general rule that absentee ballots must be received by 5:00 PM on election day to be accepted. RSA 657:21-A, V is a previously established practice which makes special arrangements to get absentee ballots to emergency workers who are called out unexpectedly just prior to an election and to allow those ballots to be counted provided they arrive at the polls before the polls are closed to voting. This change does not, therefore, make any change to practice, it merely ensures recognition of the exception created by RSA 657:21-a.

9. (Sec 9) Amends RSA 657:23 to correct pronoun gender references, to change a general cite to RSA chapter 659 to a specific cite to RSA 659:49, and to require the clerk to provide the moderator with a copy of the list of the voters requesting absentee ballots that also documents when the ballots were sent and when the ballots were received. This list assists the moderator in processing the absentee ballots.
10. (Sec 10) Enacts a new statute, RSA 657:26, which implements the MOVE Act requirement that an electronic means be available to allow a voter to verify the clerk's receipt of a request for an absentee ballot, whether the absentee ballot has been sent to the voter, and whether the returned affidavit envelope/return envelope sent by the voter has been received by the clerk. The statute reinforces the duty established in RSA 657:15 for the clerk to enter the date an absentee ballot is received, the absentee ballot and related materials are sent back to the voter, and the date the envelop purporting to contain the voted absentee ballot is received back from the voter.
11. (Sec 11) Amends RSA 658:33 to correct a pronoun gender reference and to add a reference to the duties established by RSA 657:15.
12. (Sec 12) Amends RSA 659:51 to correct pronoun gender references and adds a duty for the moderator to enter a record of an absentee voter being successfully challenged on the list of absentee voters who requested ballots provided by the clerk to the moderator pursuant to the amended RSA 657:23. This change also requires the clerk to enter the fact that an absentee voter was challenged into the statewide voter registration database. Past practice has required the clerk to establish and maintain a record of challenged absentee voters, this change requires that the record be recorded in the statewide voter registration database. This change will facilitate reporting required by the MOVE Act and requested by the federal Election Assistance Commission.
13. (Sec 13) Amends RSA 659:52 to correct pronoun gender references and to establish a duty for the moderator to separately preserve absentee ballot affidavit envelopes (which may be a single sheet of paper for absentee ballots transmitted electronically to satisfy the MOVE Act) to the clerk. This will facilitate the clerk preserving these affidavits in accordance with the amended preservation requirements established by other 2010 changes.
14. (Sec 14) Amends RSA 659:53 to correct pronoun gender references and to establish a duty for the moderator to enter a record of an absentee voter's absentee ballot being rejected on the list of absentee voters who requested ballots provided by the clerk to the moderator pursuant to the amended RSA 657:23. This change also requires the clerk to enter the fact that an absentee

voter's absentee ballot was rejected into the statewide voter registration database. Past practice has required the clerk to establish and maintain a record of rejected absentee voters, this change requires that the record be recorded in the statewide voter registration database. This change will facilitate reporting required by the MOVE Act and requested by the federal Election Assistance Commission.

15. (Sec 15) Amends RSA 654:45 by adding a new paragraph which requires clerks to enter, maintain, and keep current contact information and polling place location information in the statewide voter registration database. This makes mandatory in law current practice which has collected this information from clerks on a voluntary basis. This change will facilitate implementation of MOVE Act requirements regarding the availability of information on contact information for local voting officials and will allow the State to implement a more interactive on-line polling place location and mapping information service. The State currently provides polling place location information on-line in static form, but expects to have a lookup driven by the voter's domicile address on-line in 2010.

**(d) The name, title, address, and telephone number of the person making the submission.**

Orville B. Fitch II, Deputy Attorney General  
New Hampshire Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-1238

Between 8/1/2010 and 8/31/2010 contact:

Richard Head, Associate Attorney General  
New Hampshire Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-1248

**(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.**

Attorney General Michael A. Delaney

State of New Hampshire

**(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.**

Not applicable

**(g) Identification of person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).**

This change is an act of the New Hampshire General Court, New Hampshire's state legislature, with approval of the legislation by the Governor of the State of New Hampshire.

**(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**

The New Hampshire Constitution Part Second, Article 2, grants supreme legislative power within the state to the House of Representatives and Senate, who with a right to negate each other are granted power to make law through Part Second, Article 5. The legislature, through a bicameral process passed each Chapter Law set forth above. Each bill was signed into law by the Governor or allowed to become law without signature, pursuant to New Hampshire Constitution Part Second, Article 44.

**(i) The date of adoption of the change affecting voting.**

June 21, 2010.

**(j) The date on which the change is to take effect.**

June 21, 2010.

**(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

These changes to New Hampshire's voting laws have not been enforced or administered at a statewide election.

**(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

This change affects the entire State of New Hampshire.

**(m) A statement of the reasons for the change.**

The purpose of many of these changes is implement the changes required by the MOVE Act or to facilitate the efficient administration of elections to aid the State in implementing that federal mandate.

1. (Sec 1) Amends RSA 654:45, to clarify that it is the voter's current information that is stored in the statewide voter registration database and adding to the data to be kept in the database information on absentee ballot applications accepted by town and city clerks and the history of which elections a person votes in. These changes facilitate New Hampshire's implementation of the MOVE Act by ensuring that the Secretary of State can access information on all UOCAVA voters who have requested absentee ballots in the days leading up to 45 days prior to the State's General Election. The Secretary of State will mail or transmit by e-mail ballots to such voters on or before day 45 prior to the general election. Those transmittals will be documented in the statewide voter registration database, which will allow the clerks to verify that these ballots have been sent. The clerks will mail or transmit ballots for all UOCAVA voters between day 44 and the election.
2. (Sec 2) Amends RSA 657:12 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
3. (Sec 3) Amends RSA 657:13 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
4. (Sec 4) Amends RSA 657:15 to require that the record of when absentee ballots are sent to and received from voters be entered into the statewide voter

registration database. If further amends RSA 657:15 to provide that absentee voters who are victims of domestic violence who are entitled to have their identity and address kept confidential shall not be listed on the version of the list of voters to whom absentee ballots have been sent which is provided to candidates.

5. (Sec 5) Amends RSA 657:18 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request and the date on which it is received back from the voter. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act.
6. (Sec 6) Amend RSA 657:19 to include a reference to the duty being established in RSA 657:15 for the clerk to record in the statewide voter registration database the date on which an absentee ballot and related forms is sent to a voter in response to an absentee ballot request and the date on which it is received back from the voter. Under the law before this change the clerk has been required to keep a record of this data, but not explicitly required by law to use the statewide voter registration database for this purpose. Requiring this data to be maintained in the statewide voter registration database will facilitate implementation of the MOVE Act. The change also requires the clerk to forward a copy of any application to register as a voter received with a returned absentee ballot affidavit envelope to the supervisors of the checklist to facilitate that voter being registered and entered onto the checklist.
7. (Sec 7) Amends RSA 657:19-a to require the clerk to forward a copy of any armed services or federal overseas voter registration forms received by the clerk to the supervisors of the checklist. This does not change past practice, clerks have had a duty to forward registrations received under a general statute. This change reinforces the duty by adding this explicit requirement into the statute that requires recognition of the Federal Post Card Application for both voter registration and absentee ballot request purposes.
8. (Sec 8) Amends RSA 657:22 to add a reference to RSA 657:21-a, V which creates an exception to the general rule that absentee ballots must be received by 5:00 PM on election day to be accepted. RSA 657:21-A, V is a previously established practice which makes special arrangements to get absentee ballots to emergency workers who are called out unexpectedly just prior to an election

and to allow those ballots to be counted provided they arrive at the polls before the polls are closed to voting. This change does not, therefore, make any change to practice, it merely ensures recognition of the exception created by RSA 657:21-a.

9. (Sec 9) Amends RSA 657:23 to correct pronoun gender references, to change a general cite to RSA chapter 659 to a specific cite to RSA 659:49, and to require the clerk to provide the moderator with a copy of the list of the voters requesting absentee ballots that also documents when the ballots were sent and when the ballots were received. This list assists the moderator in processing the absentee ballots.
10. (Sec 10) Enacts a new statute, RSA 657:26, which implements the MOVE Act requirement that an electronic means be available to allow a voter to verify the clerk's receipt of a request for an absentee ballot, whether the absentee ballot has been sent to the voter, and whether the returned affidavit envelope/return envelope sent by the voter has been received by the clerk. The statute reinforces the duty established in RSA 657:15 for the clerk to enter the date an absentee ballot is received, the absentee ballot and related materials are sent back to the voter, and the date the envelop purporting to contain the voted absentee ballot is received back from the voter.
11. (Sec 11) Amends RSA 658:33 to correct a pronoun gender reference and to add a reference to the duties established by RSA 657:15.
12. (Sec 12) Amends RSA 659:51 to correct pronoun gender references and adds a duty for the moderator to enter a record of an absentee voter being successfully challenged on the list of absentee voters who requested ballots provided by the clerk to the moderator pursuant to the amended RSA 657:23. This change also requires the clerk to enter the fact that an absentee voter was challenged into the statewide voter registration database. Past practice has required the clerk to establish and maintain a record of challenged absentee voters, this change requires that the record be recorded in the statewide voter registration database. This change will facilitate reporting required by the MOVE Act and requested by the federal Election Assistance Commission.
13. (Sec 13) Amends RSA 659:52 to correct pronoun gender references and to establish a duty for the moderator to separately preserve absentee ballot affidavit envelopes (which may be a single sheet of paper for absentee ballots transmitted electronically to satisfy the MOVE Act) to the clerk. This will facilitate the clerk preserving these affidavits in accordance with the amended preservation requirements established by other 2010 changes.

14. (Sec 14) Amends RSA 659:53 to correct pronoun gender references and to establish a duty for the moderator to enter a record of an absentee voter's absentee ballot being rejected on the list of absentee voters who requested ballots provided by the clerk to the moderator pursuant to the amended RSA 657:23. This change also requires the clerk to enter the fact that an absentee voter's absentee ballot was rejected into the statewide voter registration database. Past practice has required the clerk to establish and maintain a record of rejected absentee voters, this change requires that the record be recorded in the statewide voter registration database. This change will facilitate reporting required by the MOVE Act and requested by the federal Election Assistance Commission.
  
15. (Sec 15) Amends RSA 654:45 by adding a new paragraph which requires clerks to enter, maintain, and keep current contact information and polling place location information in the statewide voter registration database. This makes mandatory in law current practice which has collected this information from clerks on a voluntary basis. This change will facilitate implementation of MOVE Act requirements regarding the availability of information on contact information for local voting officials and will allow the State to implement a more interactive on-line polling place location and mapping information service. The State currently provides polling place location information on-line in static form, but expects to have a lookup driven by the voter's domicile address on-line in 2010.

**(n) A statement of the anticipated effect of the change on members of racial or language minority groups.**

There is no anticipated adverse effect on members of racial or language minority groups.

**(o) Identify any past or pending litigation concerning the change or related voting practice.**

None

**(p1) A Statement that the prior practice has been precleared, with the date, or is not subject to the preclearance requirement and**

1. (Sec 1) RSA 654:45; as amended in 2006. See Attached Exhibit 2010:182, #2. RSA 654:45 as amended in 2003 was precleared on 6/22/2004 by Department

- of Justice non-objection letter 2004-2563, 2581, 2582. The 2006 change is simultaneously being submitted for preclearance in submission 2006:305.
2. (Sec 2) RSA 657:12 as amended in 2003. See Attached Exhibit 2010:182, #3. RSA 657:12 as amended in 2003 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2565, 2567, 2584, 2586, 2587, 2589, 2591, 2593.
  3. (Sec 3) RSA 657:13 as amended in 2003. See Attached Exhibit 2010:182, #4. RSA 657:13 as amended in 2003 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2565, 2567, 2584, 2586, 2587, 2589, 2591, 2593.
  4. (Sec 4) RSA 657:15 as amended in 2003. See Attached Exhibit 2010:182, #5. RSA 657:15 as amended in 2003 was precleared on 10/4/04 by Department of Justice non-objection letter 2004-2598, 2599.
  5. (Sec 5) RSA 657:18 as amended in 1979. See Attached Exhibit 2010:182, #6. RSA 657:18 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
  6. (Sec 6) RSA 657:19 as amended in 2003. See Attached Exhibit 2010:182, #7. RSA 657:19 as amended in 1988 was precleared on 8/5/2004 by Department of Justice non-objection letter 2004-2560, 2562, 2596. The 2003 change to RSA 657:19 is simultaneously being submitted for preclearance in submission RSA 657:19.
  7. (Sec 7) RSA 657:19-a as amended in 2003. See Attached Exhibit 2010:182, #8. RSA 657:19-a as amended in 2003 was precleared on 7/22/2004 by Department of Justice non-objection letter 2004-2557.
  8. (Sec 8) RSA 657:22 as amended in 1995. See Attached Exhibit 2010:182, #9. RSA 657:22 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. Changes to RSA 657:22 in 1983 and 1995 are being simultaneously submitted for preclearance in submissions 1983:176 and 1995:48.
  9. (Sec 9) RSA 657:23 as amended in 1979. See Attached Exhibit 2010:182, #10. RSA 657:23 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.

10. (Sec 10) enacting new RSA 657:26; This is a new provision of law and a new practice, there is no prior statute to have been precleared.
11. (Sec 11) RSA 658:33 as amended in 1981. See Attached Exhibit 2010:182, #11. RSA 658:33 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. The 1981 change is being simultaneously submitted for preclearance in submission 1981:454.
12. (Sec 12) RSA 659:51 as amended in 1979. See Attached Exhibit 2010:182, #12. RSA 659:51 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
13. (Sec 13) RSA 659:52 as amended in 1979. See Attached Exhibit 2010:182, #13. RSA 659:52 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
14. (Sec 14) RSA 659:53 as amended in 1979. See Attached Exhibit 2010:182, #14. RSA 659:53 as amended in 1979 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582.
15. (Sec 15) RSA 654:45 as amended in 2006. See Attached Exhibit 2010:182, #15. RSA 654:45 as amended in 2003 was precleared on 6/22/2004 by Department of Justice non-objection letter 2004-2563, 2581, 2582. The 2006 change to RSA 654:45 is being simultaneously submitted for preclearance in submission 2006:305.

**(p2) A statement that the procedure for the adoption of the change has been precleared, with the date, or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.**

New Hampshire's Constitution, in its current form, was adopted June 2, 1784, four years before the United States Constitution took effect upon its ratification by New Hampshire on June 21, 1788. No amendments to Part Second, article 2 or Part Second, article 44 have occurred since 1784, therefore the authority for adopting law changes predates New Hampshire's ten towns becoming subject to Preclearance on effective November 1, 1968.

**(q) For redistrictings and annexations.**

Not applicable.

(r) **Supplemental**

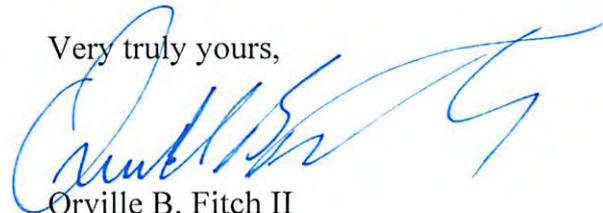
None.

**§51.28 (g) Public notice that announce the submission to the Attorney General, inform the public that a complete duplicate copy of the submission is available for public inspection and invites comments for the consideration of the Attorney General and statements regarding where such public notices appeared.**

Exhibit A is a copy of a press release issued July 19, 2010 announcing the 2010 round of Preclearance submissions, the availability of copies at the New Hampshire Attorney General's Website and Office, and inviting comments to the United States Attorney General.

I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II  
Deputy Attorney General  
bud.fitch@doj.nh.gov  
(603) 271-1238

Attachments

CC: Secretary of State William M. Gardner

494429.doc



CHAPTER 182  
 HB 1529 – FINAL VERSION

03Mar2010... 0733h

2010 SESSION

10-2453

03/04

HOUSE BILL **1529**

AN ACT relative to absentee voting.

SPONSORS: Rep. Perry, Straf 3; Rep. Drisko, Hills 5

COMMITTEE: Election Law

ANALYSIS

This bill modifies the information contained in the statewide centralized voter registration database and the procedures for recording absentee voter information.

This bill was requested by the department of state.

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Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03Mar2010... 0733h

10-2453

03/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to absentee voting.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

182:1 Statewide Centralized Voter Registration Database. Amend RSA 654:45, I to read as follows:

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the *current* information on the voter registration ~~[form and]~~ *forms, the accepted absentee ballot applications, the voter checklists, and voter participation as recorded on the marked checklist* maintained by each city, ward, and town in the state.

182:2 Absentee Voting; Provisions for General Election. Amend RSA 657:12 to read as follows:

657:12 Provisions for General Election. Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state, the federal post card application form, or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15 *to the applicant and record the information pursuant to RSA 657:15*; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

182:3 Absentee Voting; Provisions for State or Presidential Primary Elections. Amend RSA 657:13 to read as follows:

657:13 Provisions for State or Presidential Primary Elections. Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15 *to the applicant and record the information pursuant to RSA 657:15*. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

182:4 Sending Absentee Ballots. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13

has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official ~~[absent voting]~~ *absentee* ballots have been sent, and shall identify those official ~~[absent voting]~~ *absentee* ballots which have been returned to the clerk ***and shall record the absentee voter applicant information in the statewide centralized voter registration database.*** Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain ~~[copies of such lists]~~ ***a list of absentee voter applicants, excluding voters who have presented to the supervisors of the checklist valid protective orders pursuant to RSA 173-B;*** the lists shall not be available for public inspection at any time without a court order.

182:5 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of a return envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter ***and record the information pursuant to RSA 657:15.*** All such envelopes shall be preserved unopened until election day.

182:6 Absentee Voting; Sending Ballots. Amend RSA 657:19 to read as follows:

657:19 Sending Ballots. Upon receipt of a properly executed application for an official armed services absentee ballot or an overseas citizens federal election absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist, and if the applicant requests that the application be considered an application for an absentee ballot for each subsequent election for federal office through the next 2 regularly scheduled general elections, including primaries, for federal office, the town or city clerk shall provide an absentee ballot to the applicant for each such subsequent election ***and record the information pursuant to RSA 657:15. The town or city clerk shall forward a copy of the applicant's registration form to the supervisors of the checklist.*** Whenever an armed services voter or overseas citizen federal voter requests a state general election ballot prior to October 1 to be mailed to an address outside of the United States, he or she shall be sent the same ballot as provided in RSA 656:34. No town or city clerk shall refuse to accept or process an otherwise valid voter registration application or absentee ballot application submitted by an absent armed services voter or federal overseas citizen voter on the grounds that the application was submitted before the first date on which the state

otherwise accepts or processes such applications for that election submitted by absentee voters. A town or city clerk who does not certify a voter registration application or absentee ballot application shall provide the absent armed services voter or federal overseas citizen voter the reason for not certifying a voter registration application or an absentee ballot application.

182:7 Absentee Voting; Federal Post Card Application. Amend RSA 657:19-a to read as follows:

657:19-a Federal Post Card Application. An armed services voter or federal overseas citizen voter who is domiciled outside the United States qualified to vote in New Hampshire may request an absentee ballot by completing a federal post card application form provided by the United States government, and sending it to the town or city clerk of his or her last domicile. The applicant may request an absentee ballot for all elections in which he or she is qualified to cast a ballot during the calendar year. ***The town or city clerk shall forward a copy of the armed services or federal overseas citizen voter registration form to the supervisors of the checklist.***

182:8 Absentee Voting; Cutoff. Amend RSA 657:22 to read as follows:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day ***except as provided in RSA 657:21-a, V.*** Ballots received after such time shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

182:9 Absentee Voting; Delivery to Moderator. Amend RSA 657:23 to read as follows:

657:23 Delivery to Moderator. Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA ~~[659]~~ ***659:49***, the clerk shall deliver all such envelopes, ~~[and]~~ the applications therefor received by him ***or her, and the list of absentee voter applicants compiled pursuant to RSA 657:15*** to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no armed services ballot shall be rejected by a moderator for lack of an attached application.

182:10 New Subdivision; Absentee Voter Website. Amend RSA 657 by inserting after section 25 the following new subdivision:

#### Absentee Voter Website

657:26 Absentee Voter Website. The secretary of state shall make available by July 31, 2010 a public website by which an absentee voter, in the 2010 general election and every subsequent state election, may determine whether the voter's absentee ballot request has been received by the clerk, whether the absentee ballot has been sent pursuant to such request, and whether the envelope purporting to contain the absentee ballot has been

received by the clerk. The town and city clerk shall, without delay, enter into the statewide centralized voter registration database the dates that all valid requests for absentee ballots are received, the dates all absentee ballots are sent, and the dates all envelopes purporting to contain absentee ballots are received. The secretary of state shall allow free and secure access to any voter who enters on the website his or her full first name, full last name, the town where the voter has requested an absentee ballot, and the voter's date of birth as they appear in the statewide centralized voter registration database. The city and town clerk shall provide instructions to absentee voter applicants describing how to access this website.

182:11 Delivery of Ballots to Additional Polling Place. Amend RSA 658:33 to read as follows:

658:33 Delivery of Ballots to Additional Polling Place. Before the polls are opened at the central polling place on the day of an election, the town clerk shall seal up the 2 duplicate copies of the checklist for each additional polling place lodged with ~~him~~ **the clerk** by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional polling place shall be sealed up along with a list of those persons qualified to vote at that additional polling place to whom absentee ballots have been sent *pursuant to RSA 657:15*. This package shall be prepared and sealed in the presence of the moderator and selectmen and shall be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

182:12 Challenges. Amend RSA 659:51 to read as follows:

659:51 Challenges. All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, ~~he~~ **the moderator** shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101 *and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "challenged" and the reason for the challenge. The clerk shall record this information in the statewide centralized voter registration database.* If the moderator decides that the challenge is not well grounded, he *or she* shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. ~~He~~ **The moderator** shall then proceed to deposit the ballot as provided in RSA 659:52.

182:13 Opening Envelope; Depositing Ballot. Amend RSA 659:52 to read as follows:

659:52 Opening Envelope; Depositing Ballot. If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the affidavit envelope containing the ballot so the affidavit on the envelope is not destroyed. ~~[He]~~ ***The moderator*** shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and ~~[he]~~ shall preserve the affidavit envelope ~~[with the ballots cast at the election as provided in RSA 659:101]~~ ***separately from the ballots and deliver it to the town or city clerk upon the closing of the polls.*** The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

182:14 Forms Not in Order. Amend RSA 659:53 to read as follows:

659:53 Forms Not in Order. If the moderator finds that the absentee voter is not entitled to vote, ~~[he]~~ ***the moderator*** shall not open the envelope and shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter," "voted in person," "affidavit improperly executed," "not signed by proper person," or whatever the reason is ***and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "rejected" and the reason for the rejection. The clerk shall record this information in the statewide centralized voter registration database.*** The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

182:15 New Paragraph; Contact and Polling Place Information. Amend RSA 654:45 by inserting after paragraph VI the following new paragraph:

VII. The city and town clerk shall enter, maintain, and keep up to date election official contact information and polling place information as determined by the secretary of state in the statewide centralized voter registration database for use by the secretary of state in effecting election laws.

182:16 Effective Date. This act shall take effect upon its passage.

Approved: June 21, 2010

Effective Date: June 21, 2010



# TITLE LXIII ELECTIONS

## CHAPTER 654 VOTERS AND CHECKLISTS

### Centralized Voter Registration Database

#### Section 654:45

##### **654:45 Centralized Voter Registration Database. –**

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state.

II. Any election official in the state authorized by this chapter to have direct access to the voter database may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction. The office of the clerk is hereby designated as a database access point for each town or city. The secretary of state may authorize additional database access points in a town or city, including election day access points at polling places.

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV. (a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database. The link authorized by this subparagraph shall not allow the department of state or election officials direct access to the motor vehicle registration or driver's license records maintained by the division of motor vehicles. The commissioner of safety may authorize the release of information from motor vehicle registration and driver's license records to the extent that the information is necessary to department of state and department of safety cooperation in a joint notification to individuals of apparent discrepancies in their records and to the extent that the information is necessary to resolve those discrepancies. The commissioner of safety and the secretary of state are authorized to enter into an agreement that establishes the services to be provided by the department of safety and the cost for those services. The department of safety shall not be required to provide any services under this

subparagraph unless an agreement is in place and there are sufficient funds in the election fund to pay the cost for the services. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

(c) Access by local election officials to the voter database shall be limited to the supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their deputies, as determined by the secretary of state. Access by local election officials shall be subject to the limitations of paragraph VI, and shall be limited to the records of individuals who are currently registered to vote in the official's jurisdiction and individuals who are applying to register to vote in the official's jurisdiction.

V. The secretary of state shall:

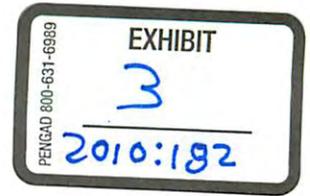
(a) Specify the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

(c) Issue guidelines to implement the voter database.

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

**Source.** 2003, 266:3. 2006, 305:2, eff. Aug. 18, 2006.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Absence, Religious Observance, and Disability and Overseas Voting

#### Section 657:12

**657:12 Provisions for General Election.** – Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state, the federal post card application form, or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the applicant is on the checklist of the town or city. If the applicant is on the checklist, the clerk shall send the materials provided for in RSA 657:15; if not, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

**Source.** 1979, 436:1. 1988, 209:8. 2003, 8:1, eff. June 21, 2003.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Absence, Religious Observance, and Disability and Overseas Voting

#### Section 657:13

**657:13 Provisions for State or Presidential Primary Elections.** – Upon receipt of a properly executed application for an official absentee ballot, whether the form supplied by the secretary of state or a written statement containing the information required by the appropriate paragraph of RSA 657:4, a town or city clerk shall forthwith ascertain if the person is on the checklist of the town or city and is properly registered as to party designation. If such person is found to be on the checklist and to be properly registered or if such person is found to be on the checklist but is not registered as a member of any party, but the information supplied states he or she is applying for a ballot of a political party, the person shall be registered as a member of said party; and, in either case, the clerk shall send the materials provided for in RSA 657:15. If the person is not on the checklist or is registered as a member of a party different from the one whose ballot he or she is applying for, the clerk shall refuse to certify as provided in RSA 657:16. An application may be transmitted by facsimile to a town or city clerk.

**Source.** 1979, 436:1. 2003, 8:2, eff. June 21, 2003.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Absence, Religious Observance, and Disability and Overseas Voting

#### Section 657:15

**657:15 Sending Absentee Ballots.** – When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

**Source.** 1979, 436:1. 1986, 126:8. 1990, 119:11. 1996, 36:9. 1998, 246:3. 2003, 12:1, eff. June 21, 2003.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Absence, Religious Observance, and Disability and Overseas Voting

#### Section 657:18

**657:18 Procedure by Clerk.** – Upon receipt of a return envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall attach thereto the application for an absentee ballot submitted by said voter. All such envelopes shall be preserved unopened until election day.

**Source.** 1979, 436:1, eff. July 1, 1979.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Armed Services and Federal Overseas Citizen Voting

#### Section 657:19

**657:19 Sending Ballots.** – Upon receipt of a properly executed application for an official armed services absentee ballot or an overseas citizens federal election absentee ballot, whether the form supplied by the secretary of state, the federal post card application, or a written statement containing the information required by RSA 657:4, a town or city clerk shall send the materials provided for in RSA 657:8 or 657:9, as applicable, regardless of whether the applicant appears on the checklist, and if the applicant requests that the application be considered an application for an absentee ballot for each subsequent election for federal office through the next 2 regularly scheduled general elections, including primaries, for federal office, the town or city clerk shall provide an absentee ballot to the applicant for each such subsequent election. Whenever an armed services voter or overseas citizen federal voter requests a state general election ballot prior to October 1 to be mailed to an address outside of the United States, he or she shall be sent the same ballot as provided in RSA 656:34. No town or city clerk shall refuse to accept or process an otherwise valid voter registration application or absentee ballot application submitted by an absent armed services voter or federal overseas citizen voter on the grounds that the application was submitted before the first date on which the state otherwise accepts or processes such applications for that election submitted by absentee voters. A town or city clerk who does not certify a voter registration application or absentee ballot application shall provide the absent armed services voter or federal overseas citizen voter the reason for not certifying a voter registration application or an absentee ballot application.

**Source.** 1979, 436:1. 1986, 126:9. 1988, 209:10. 2003, 289:55, eff. Sept. 1, 2003.



# TITLE LXIII ELECTIONS

## CHAPTER 657 ABSENTEE VOTING

### Procedure for Armed Services and Federal Overseas Citizen Voting

#### Section 657:19-a

**657:19-a Federal Post Card Application.** – An armed services voter or federal overseas citizen voter who is domiciled outside the United States qualified to vote in New Hampshire may request an absentee ballot by completing a federal post card application form provided by the United States government, and sending it to the town or city clerk of his or her last domicile. The applicant may request an absentee ballot for all elections in which he or she is qualified to cast a ballot during the calendar year.

**Source.** 1988, 209:11. 2003, 289:56, eff. Sept. 1, 2003.

# TITLE LXIII ELECTIONS



## CHAPTER 657 ABSENTEE VOTING

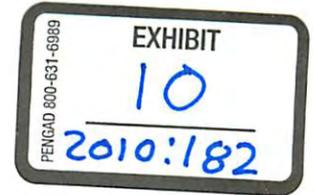
### Election Day

#### Section 657:22

**657:22 Cutoff.** – In any state election, a town or city clerk shall not accept any completed absentee ballots delivered to the clerk after 5:00 p.m. on election day. Ballots received after such time shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

**Source.** 1979, 436:1. 1983, 176:2. 1995, 48:1, eff. July 2, 1995.

# TITLE LXIII ELECTIONS



## CHAPTER 657 ABSENTEE VOTING

### Election Day

#### Section 657:23

**657:23 Delivery to Moderator.** – Upon election day, prior to the closing of the polls or the time set for processing absentee ballots in accordance with RSA 659, the clerk shall deliver all such envelopes and the applications therefor received by him to the moderators in the several voting precincts in which the absentee voters assert the right to vote, taking a receipt from the moderator thereof; except that no armed services ballot shall be rejected by a moderator for lack of an attached application.

**Source.** 1979, 436:1, eff. July 1, 1979.



# TITLE LXIII ELECTIONS

## CHAPTER 658 PRE-ELECTION PROCEDURE

### Election Day Morning Procedures

#### Section 658:33

**658:33 Delivery of Ballots to Additional Polling Place.** – Before the polls are opened at the central polling place on the day of an election, the town clerk shall seal up the 2 duplicate copies of the checklist for each additional polling place lodged with him by the supervisors with a number of blank ballots equal to the number of voters on such checklist and 50 additional ballots. If the moderator has authorized the counting of votes and thereby authorized the processing of absentee ballots at the additional polling place, the absentee ballots of those persons qualified to vote in that additional polling place shall be sealed up along with a list of those persons qualified to vote at that additional polling place to whom absentee ballots have been sent. This package shall be prepared and sealed in the presence of the moderator and selectmen and shall be delivered immediately to the assistant moderator of the additional polling place by 2 election officers designated by the moderator.

**Source.** 1979, 436:1. 1981, 454:6, eff. Aug. 22, 1981.



# TITLE LXIII ELECTIONS

## CHAPTER 659 ELECTION PROCEDURE

### Processing Absentee Ballots

#### Section 659:51

**659:51 Challenges.** – All absentee ballots are subject to challenge after the moderator publicly announces the name of the absentee voter but not after the ballot is removed from the envelope. A person who makes a challenge shall state the reason for the challenge. If the ballot is challenged, the moderator shall write on the affidavit envelope containing the ballot the word "challenged" and the name and address of the person who makes the challenge and the basis of the challenge. The moderator shall also number each challenged envelope consecutively by marking, for example, the first challenged ballot "Challenged Ballot No. 1". The moderator shall then determine if the challenge to the ballot is well grounded. If the moderator decides the challenge is well grounded, he shall not open the envelope but shall preserve it with the other ballots cast at the election as provided in RSA 659:101. If the moderator decides that the challenge is not well grounded, he shall open the affidavit envelope so the affidavit thereon is not destroyed and proceed first to mark on the reverse of the folded ballot the corresponding challenge number as previously marked on the envelope. He shall then proceed to deposit the ballot as provided in RSA 659:52.

**Source.** 1979, 436:1, eff. July 1, 1979.



# TITLE LXIII ELECTIONS

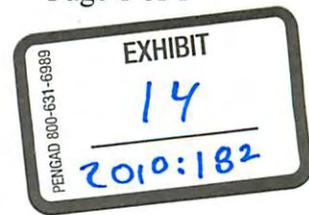
## CHAPTER 659 ELECTION PROCEDURE

### Processing Absentee Ballots

#### Section 659:52

**659:52 Opening Envelope; Depositing Ballot.** – If the absentee ballot is not challenged, the moderator shall, after announcing the name of the voter, open the affidavit envelope containing the ballot so the affidavit on the envelope is not destroyed. He shall then take the ballot out of the envelope without unfolding the ballot or without permitting the ballot to be examined, and he shall preserve the affidavit envelope with the ballots cast at the election as provided in RSA 659:101. The moderator shall then have a checkmark placed beside the name of the absentee voter on the checklist and write therewith the letters "A.V." in red ink and shall then deposit the ballot in the ballot box.

**Source.** 1979, 436:1, eff. July 1, 1979.



# TITLE LXIII ELECTIONS

## CHAPTER 659 ELECTION PROCEDURE

### Processing Absentee Ballots

#### Section 659:53

**659:53 Forms Not in Order.** – If the moderator finds that the absentee voter is not entitled to vote, he shall not open the envelope and shall mark across the face of the envelope the reason the ballot is rejected, such as ""rejected as not a voter", ""voted in person", ""affidavit improperly executed", ""not signed by proper person", or whatever the reason is. The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

**Source.** 1979, 436:1, eff. July 1, 1979.



# TITLE LXIII ELECTIONS

## CHAPTER 654 VOTERS AND CHECKLISTS

### Centralized Voter Registration Database

#### Section 654:45

##### **654:45 Centralized Voter Registration Database. –**

I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a statewide centralized voter registration database and communications system, hereinafter referred to as the voter database, connecting users throughout the state. The voter database shall include the information on the voter registration form and the voter checklists maintained by each city, ward, and town in the state.

II. Any election official in the state authorized by this chapter to have direct access to the voter database may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction. The office of the clerk is hereby designated as a database access point for each town or city. The secretary of state may authorize additional database access points in a town or city, including election day access points at polling places.

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV. (a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal social security administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database may be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information contained in the voter database. The link authorized by this subparagraph shall not allow the department of state or election officials direct access to the motor vehicle registration or driver's license records maintained by the division of motor vehicles. The commissioner of safety may authorize the release of information from motor vehicle registration and driver's license records to the extent that the information is necessary to department of state and department of safety cooperation in a joint notification to individuals of apparent discrepancies in their records and to the extent that the information is necessary to resolve those discrepancies. The commissioner of safety and the secretary of state are authorized to enter into an agreement that establishes the services to be provided by the department of safety and the cost for those services. The department of safety shall not be required to provide any services under this

subparagraph unless an agreement is in place and there are sufficient funds in the election fund to pay the cost for the services. The system shall facilitate the identification and correction of voter registration records whenever a registered voter has died or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the same individual to the department of safety.

(c) Access by local election officials to the voter database shall be limited to the supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their deputies, as determined by the secretary of state. Access by local election officials shall be subject to the limitations of paragraph VI, and shall be limited to the records of individuals who are currently registered to vote in the official's jurisdiction and individuals who are applying to register to vote in the official's jurisdiction.

V. The secretary of state shall:

(a) Specify the employees of the department of state authorized to access records contained in the voter database, subject to the limitations of paragraph VI.

(b) Provide adequate technological security measures to deter unauthorized access to the records contained in the voter database.

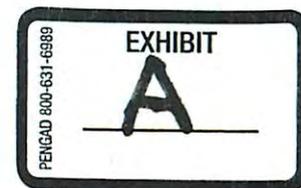
(c) Issue guidelines to implement the voter database.

VI. The voter database shall be private and confidential and shall not be subject to RSA 91-A and RSA 654:31. The secretary of state is authorized to provide voter database record data to the administrative office of the courts to assist in the preparation of master jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information from the voter database in any manner not authorized by this section shall be guilty of a misdemeanor.

**Source.** 2003, 266:3. 2006, 305:2, eff. Aug. 18, 2006.

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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News Release

RELEASED BY: Attorney General Michael A. Delaney

SUBJECT: Voting Rights Act – Submissions of requests for preclearance of 2010 changes to New Hampshire Voting laws and procedures

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Contact: Deputy Attorney General Bud Fitch (603) 271-1238

Attorney General Michael A. Delaney announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance. Submissions will be made over the next several weeks until all 2010 changes to New Hampshire's election laws have been submitted.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. The State has submitted preclearance requests for most of the changes made to New Hampshire voting law and is in the process of completing that updating of preclearance.

Federal regulations require that the public be notified that the State has filed requests for preclearance and that the submissions be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Delaney and the federal Department of Justice invite persons interested in pending submissions to submit comments and information, in writing or by telephone, to the Voting Section of the Civil Rights Division at the earliest possible date to assure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7254 - NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington D.C. 20530 (the envelope and first page should be marked "Comment under Section 5"). Further information on the federal Department of Justice's Voting Rights Section can be found at:

<http://www.justice.gov/crt/voting/>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>  
New Hampshire Toll Free 1-866-8868-3703  
or 1-866-VOTER03  
[electionlaw@doj.nh.gov](mailto:electionlaw@doj.nh.gov)

A Letter describing the historical circumstances of the ten New Hampshire towns becoming subject to the Voting Rights Act preclearance requirements, originally sent to the federal Department of Justice in 2004, is available at:

<http://www.doj.nh.gov/elections/>

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